

Appl. No. : **09/992,669**
Filed : **November 13, 2001**

REMARKS

This paper amends Claims 1, 16-20 and 26-28, and cancels Claims 15 and 30-32. Claim 33 was previously canceled. Claims 2-14, 21-25, 29 and 34 are unchanged. Claims 1-14, 16-29 and 34 are pending. Reconsideration and allowance of the claims is respectfully requested. The amendment of Claims 16-20 and 26-28 is not narrowing and is not made to avoid any prior art.

Allowed Claims

The Office Action mailed on July 27, 2006 stated that “Claims 15-28, 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims”. Applicant has rewritten Claim 1 to include the limitations of Claim 15, and therefore, Claim 1 is deemed to be allowable, along with all the claims that dependent on Claim 1. However, Claim 34 is an independent claim, and there is no rejection given for Claim 34 in the Office Action. Therefore, Applicant submits that Claim 34 is also allowable.

Discussion of the Claim Objections

The Office Action has objected to Claims 1, 5, 7, 9-12, 14, 15, 17, 18, 25, 28-31 and 34 for several informalities. The Examiner has suggested removing the terms “to configure”, “configured to”, “configured as” and “configured for” in order to make the limitation more positive. Applicant respectfully submits that these terms are not prohibited by patent statute or rule, and do not render the claim vague or indefinite. Therefore, the removal of these terms is not required.

Claim 15 was objected to because of the term “assigned to”. Applicant has removed the term “assigned to” from Claim 15 prior to being combined with Claim 1.

Claim 31 was objected to because of the term “to provide for”. Applicant submits that this objection is moot since Claim 31 has been canceled.

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Discussion of the Rejection of Claims under 35 U.S.C. § 112, 2nd ¶

Claims 31-32 have been rejected under 35 U.S.C. § 112, 2nd ¶ as being indefinite for failing to point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant submits that this objection is moot since Claims 31-32 have been canceled.

Discussion of the Rejection of Claims under 35 U.S.C. § 103(a)

Claims 1-3, 7, 8, 14 and 30-32 have been rejected under 35 U.S.C. 103(a) as being obvious over Robinson et al. (U.S. Patent No. 6,122,291) in view of Miller (U.S. Patent No. 5,511,067). Claims 4-6 have been rejected under 35 U.S.C. 103(a) as being obvious over Robinson and Miller as applied to Claim 1, and further in view of Nguyen et al. (U.S. Patent No. 6,411,661). Claims 9-12 and 29 have been rejected under 35 U.S.C. § 103(a) as being obvious over Robinson and Miller as applied to Claims 1 and 8, and further in view of non-patent literature document – Sirius Communications Press Releases, CDMAX: Sirius Announces World's First Software-Configurable W-CDMA Core for Third Generation Wireless Handsets and Base Stations, June 14, 1999. Claim 13 has been rejected under 35 U.S.C. § 103(a) as being obvious over Robinson and Miller as applied to Claim 1, and further in view of non-patent literature document – Philips et al., Programmable CDMA IF Transceiver ASIC for Wireless Communications, IEEE 1995 Custom Integrated Circuits Conference.

As discussed above, Claims 15-28 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicant has rewritten Claim 1 to include the limitations of Claim 15, and therefore, Claim 1 is deemed to be allowable. Claims 2-14 and 16-29, which dependent on Claim 1, are therefore also deemed allowable.

Claims 30-32 have been canceled, and therefore the rejection of these claims is deemed to be moot.

Dependent Claims

Although Applicant has not addressed all the issues of the dependent claims, Applicant respectfully submits that Applicant does not necessarily agree with the characterization and assessments of the dependent claims made by the Examiner, and Applicant believes that each

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claim is patentable on its own merits. Claims 2-14 and 16-29 are dependent either directly or indirectly on the above-discussed independent claims. Applicant respectfully submits that pursuant to 35 U.S.C. § 112, ¶4, the dependent claims incorporate by reference all the limitations of the claim to which they refer and include their own patentable features, and are therefore in condition for allowance. Therefore, Applicant respectfully requests the withdrawal of all claim rejections and prompt allowance of the claims.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims of the above-identified application are in condition for allowance. However, if the Examiner finds any impediment to allowing all claims that can be resolved by telephone, the Examiner is respectfully requested to call the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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